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2012 Legislative Summary

Legislation 2012 – 4/10/2012

HB 35 – Private Property Rights – Regulatory Infringement - Compensation (Crossfile – SB 819) – **FAILED**

If the application of a regulations adopted by Department of the Environment, DNR, or the Department of Planning infringes on a private property right, this bill gives an owner of private property a cause of action in certain circumstances against the agency. The bill provides for a specific statute of limitations, indicates the venue in which the action should be filed, and limits the amount of damages that may be awarded.

HB 269 – Natural Resources - Boating - Disclosure of Personal Information (Crossover – 3d reader passed Senate 4/1, Returned Passed 4/3) – **PASSED**

The bill narrows the prohibition against and exception for the disclosure of certain records held by DNR. The prohibition and exception apply only to personal information about the owner of the registered vessel. The bill clarifies the application of certain exceptions.

HB 393 – Natural Resources - Shark or Elasmobranch Fins - Prohibition on Possession or Distribution (Crossfile – SB 465) – **FAILED**

Prohibiting a person from possessing, selling, offering for sale, trading, or distributing a fin or tail of a shark or other elasmobranch; establishing specified civil penalties for violations of the Act; requiring the Department of Natural Resources to adopt regulations to implement the Act; and defining "shark fin".

HB 464 – Agriculture - Total Maximum Daily Loads – Regulations (Crossfile – SB 330) – **FAILED**

HB 464 prohibits the Department of Agriculture, Department of the Environment, and DNR from adopting regulations that intend to help MD meet the agricultural sector requirements of the TMDLs for the Chesapeake Bay unless certain states (i.e., New York, Pennsylvania, Virginia, West Virginia, and District of Columbia) achieve or exceed the percentage reductions of nitrogen and phosphorous that the State has achieved from 2009 levels.

HB 478 – Natural Resources - Removal of Abandoned Fishing Nets (Crossfile – SB 385) – FAILED

Requiring the Department of Natural Resources to remove from the waters of the State and dispose of any abandoned fishing net found by or reported to the Department within 1 day after the net is found or reported.

HB 593 – Natural Resources - Public Shellfish Fishery Area – Standards (Crossfile – SB 443) – FAILED

Requiring the Department of Natural Resources to establish areas in the Chesapeake Bay as part of the public shellfish fishery area if the density of oysters is at least one oyster that measures 1 inch or more from hinge to bill per acre.

HB 911 – Natural Resources – Commercial Fishing – Crabs and Striped Bass – FAILED

Prohibits a tidal fish licensee who is authorized to fish for striped bass and catch crabs for commercial purposes from fishing for striped bass using a hook and line and catching crabs in any manner at the same time.

HB 915 – Commercial Fishing and Seafood Operations – Nuisance Actions – Exemption (Crossfile – SB 706) – FAILED

House Bill 915 adds commercial fishing and seafood operations to an exemption list relating to nuisance complaints and lawsuits. The bill does not have a fiscal or operational impact on the Department of Natural Resources because issues pertaining to nuisance properties are not dealt with by the agency.

HB 1163 – Environment – Penalty for Sewage Overflow – Establishment and Distribution – FAILED

Requires the Department of the Environment to impose civil penalty on persons for sewage overflow or bypass that results in the discharge of raw or diluted sewage into the waters of the State. The bill requires that the Department of Environment distributes certain proceeds from the civil penalties to the Fisheries Research and Development Fund to be used for oyster restoration purposes.

HB 1173 – Natural Resources - Recreational and Commercial Fisheries - Funding and Use of Funds – FAILED

Requires the Department to equitably allocate general funds between commercial and recreational fisheries. The bill requires money obtained from commercial fees be used to manage only commercial fisheries and money obtained from recreational fees be used to manage only the recreational fisheries.

The bill requires that by July 1, 2013 the Department shall establish surcharges for clams, oysters, crabs, and striped bass commercial fisheries that covers at least 90% of the operating

costs of those fisheries. If that requirement is not met, then the fishery season shall be closed or modified.

HB 1305 - Department of Natural Resources - Authority to Establish Free Fishing Areas

(Crossover – 3d reader passed Senate 4/3, Returned Passed 4/5) – **PASSED**

House Bill 1305 authorizes the Department of Natural Resources to adopt regulations to create free fishing areas in tidal and nontidal waters of the State where a person may catch finfish for recreational purposes without certain licenses or authorizations.

HB 1306 - Department of Natural Resources - Aquaculture Leasing (Crossover – 3d reader passed Senate 4/2, Returned Passed 4/4) – PASSED

The bill authorizes the Department of Natural Resources, in consultation with the Aquaculture Coordinating Council, to charge an application fee, rent, and an aquaculture development surcharge for water column leases. Additionally, the bill reduces the length of time the Department is required to advertize and aquaculture lease application in a local newspaper, prohibits a leaseholder from placing oysters on a lease, and alters restrictions on the location of a demonstration lease. The bill repeals provisions restricting DNR's regulatory authority and governing the dredging of oysters on leased ground in certain areas.

HB 1307 - Natural Resources - State Boat Act - Fees and Requirements – FAILED

House Bill 1307 would alter certain fees and requirements for vessel titling, registration, decals and certificates, and for vessel dealers and manufacturers.

HB 1325 - Natural Resources - Crabs - Catch Times for Trotline Gear (Crossover – 3d reader passed Senate 4/2, Returned Passed 4/4) – PASSED

The bill authorizes DNR to establish that the workday for tidal fish licensees catching crabs using trotline gear may begin earlier than 1 hour before sunrise. If an earlier beginning is established, the Department will be prohibited from adopting regulations restricting a workday to less than 11 hours, and trotline gear cannot be set before the time established by the Department.

HB 1372 - Natural Resources - Commercial Fishing Licenses, Authorizations, and Permits

(Crossover – 3d reader passed Senate 4/3, Returned Passed 4/5) – **PASSED**

This bill allows the sale of a license without the inclusion of business assets, increases the potential recipients of a family license transfer, eliminates the min/max requirements for temporary transfers, allows transfers of certain crab pot authorizations without a transfer of tidal fish license, establishes a flat fee for transfers, reduces the period a person must hold a license before the license can be sold, allows the conversion of an unlimited tidal fishing license to its individual component authorizations, and provides that the number of striped bass participants is “up to” the current statutory cap. Additionally, the bill allows only two temporary transfers per year, requires a licensee to indicate which individuals may use their license and vessel when a license is assigned to the vessel, removes the ability to convert multiple authorizations to an unlimited tidal fishing license, requires a study to ensure commercial license revenues cover a fair and reasonable share of commercial fisheries management and enforcement costs, enables cost recovery from individual commercial fisherman for

their use of the hailing system and harvest tags, and requires that general funds are allocated fairly and reasonably between recreational and commercial fisheries.

HB 1479 - Hunting, Fishing, and Boat Manufacturer's or Dealer's License Applications - Disclosure of Information (Referral to Interim Study 4/6/12) – FAILED

House Bill 1479 establishes that the Department may only require a license applicant to provide certain information on an application for a hunting, fishing, or boat manufacturer's or dealer's license. The bill provides that only first, middle and last name, date of birth, and the last four digits of the social security number of the applicant may be provided for a recreational license.

SB 101 – Department of Natural Resources – Tracking Device on Vessel – Prohibition Without Court Order – FAILED

SB 101 prohibits the Secretary of DNR or a DNR police officer from placing or installing a tracking device on a vessel without first obtaining a specified court order. It additionally establishes the manner in which to obtain such court orders.

SB 127 – Natural Resources – Marine Gathering Permit – Establishment

(Crossover – 3d reader passed Senate 4/6, Returned Passed 4/6) – PASSED

Senate Bill 127 requires that persons wishing to sponsor or hold a marine gathering obtain a permit from DNR. The bill requires DNR to adopt regulations governing marine gathering permits. This bill further requires that before issuing a permit DNR notifies the local law enforcement unit of the county in which the gathering will occur.

SB 237 – Maryland Offshore Wind Energy Act of 2012 (Crossfile HB 441) – FAILED

The bill alters Maryland renewable energy portfolio standard to include a specified amount of energy from offshore wind energy, enumerates requirements for those applying for offshore wind projects, and details requirements and authorizations of the Public Service Commission with regards to offshore wind. The bill prohibits certain activities within the Beach Erosion Control District and provides for certain exceptions to this prohibition.

SB 318 – Natural Resources Police Force - Number of Officers – FAILED

Senate Bill 318 states the intent of the General Assembly that the Natural Resources Police Force employ at least 435 officers by fiscal year 2022 and authorizes the Police Force to increase the number of cadets and recruits in the Police Academy until the size of the force is sufficient to meet the mission of the Department.

SB 330 – Agriculture - Total Maximum Daily Loads – Regulations (Crossfile – HB 464) – FAILED

SB 330 prohibits the Department of Agriculture, Department of the Environment, and DNR from adopting regulations that intend to help MD meet the agricultural sector requirements of the TMDLs for the Chesapeake Bay unless certain states (i.e., New York, Pennsylvania, Virginia, West Virginia, and District of Columbia)

achieve or exceed the percentage reductions of nitrogen and phosphorous that the State has achieved from 2009 levels.

SB 385 - Natural Resources - Removal of Abandoned Fishing Nets (Crossfile – HB 478) – FAILED

Requiring the Department of Natural Resources to remove from the waters of the State and dispose of any abandoned fishing net found by or reported to the Department within 1 day after the net is found or reported.

SB 443 - Natural Resources - Public Shellfish Fishery Area – Standards (Crossfile – HB 593) – FAILED

This bill requires the Department of Natural Resources to establish areas in the Chesapeake Bay as part of the public shellfish fishery area if the density of oysters is at least one oyster that measures 1 inch or more from hinge to bill per acre.

SB 465 - Natural Resources - Shark or Elasmobranch Fins - Prohibition on Possession or Distribution (Crossfile – HB 393) – FAILED

SB 465 prohibits a person from possessing, selling, offering for sale, trading, or distributing a fin or tail of a shark or other elasmobranch but provides for exemptions in specific circumstances. The bill requires the Department of Natural Resources to adopt regulations to implement the Act. “Shark fin” is defined.

SB 706 - Commercial Fishing and Seafood Operations – Nuisance Actions – Exemption (Crossfile – HB 915) – FAILED

Senate Bill 706 adds commercial fishing and seafood operations to an exemption list relating to nuisance complaints and lawsuits. The bill does not have a fiscal or operational impact on the Department of Natural Resources because issues pertaining to nuisance properties are not dealt with by the agency.

SB 819 – Private Property Rights – Regulatory Infringement - Compensation (Crossfile – HB 35) – FAILED

If the application of regulations is adopted by Department of the Environment, DNR, or the Department of Planning infringes on a private property right, this bill gives an owner of private property a cause of action in certain circumstances against the agency. The bill provides for a specific statute of limitations, indicates the venue in which the action should be filed, and limits the amount of damages that may be awarded.

SB 1032 – Natural Resources - Fish and Fisheries - Gill Nets – FAILED

SB 1032 requires the Department of Natural Resources to establish a technical advisory group to make recommendations to the Secretary on the use of gill nets and requires the Secretary to consider the adoption of regulations based on those recommendations.